

Entered - 03/28/03 - sb  
CL03L0242 - DIANNE C. MITCHELL

CLAIM OF: **RUTH PARKS,**  
through her attorney,  
Sam Starks  
Suite 510  
3353 Peachtree Road, NE  
Atlanta, Georgia 30326

04- R -0009

JAN 20 2004

For damages alleged to have been sustained as a result of property  
damage due to flooding on September 21, 2002 at 83 Parsons Place.

THIS ADVERSED REPORT IS APPROVED

**CERTIFIED**  
JAN 20 2004  
Ruth Douglas Johnson  
MUNICIPAL CLERK

BY: \_\_\_\_\_

**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

**ADVERSED**

JAN 20 2004

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: \_\_\_\_\_

CHAIR: \_\_\_\_\_

*C. T. Martin*

*Harold Street*

*Carla Smith*



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

January 26, 2004

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Sam Starks  
Attorney at Law  
3353 Peachtree Rd., NE  
Suite 510  
Atlanta, GA 30326

04-R-0009

RE: Ruth Parks

Dear Attorney Starks:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 20, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **03L0242**

Date: December 30, 2003

Claimant /Victim RUTH PARKS  
BY: (Atty) Sam Stark  
Address: Suite 510, 3353 Peachtree Road, NE, Atlanta, Georgia 30326  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ Not Stated Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 03/20/03 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ X Ante Litem (6 Mo.) \_\_\_\_\_ X  
Date of Occurrence 09/21/02 Place: 83 Parsons Place  
Department Watershed Management Bureau: Stormwater  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges her property was damaged from flooding due to heavy rainfall. However, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
 Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
 Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
 Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ X \_\_\_\_\_ Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ X \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse ☒ Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_  
 Claims Manager: *[Signature]* Concur/date 12/30/03  
 Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5345  
1/20/04  
1:36 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-7 EXCEPT: 03-O-1954  
03-O-2109  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 3

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	B Boazman	NV Woolard

CONSENT I

1-20-4 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-0050 2. 04-O-0042 3. 03-O-2170 4. 03-O-1185 5. 03-O-2179 6. 03-O-0318 7. 04-R-0046 8. 04-R-0054 9. 04-R-0063 10. 04-R-0064 11. 04-R-0065 12. 03-R-0034 13. 03-R-2216 14. 04-R-0036 15. 04-R-0038 16. 04-R-0001 17. 04-R-0002 18. 04-R-0003 19. 04-R-0004 20. 04-R-0005 21. 04-R-0006	22. 04-R-0007 23. 04-R-0008 24. 04-R-0009 25. 04-R-0010 26. 04-R-0011 27. 04-R-0012 28. 04-R-0013 29. 04-R-0014 30. 04-R-0015 31. 04-R-0016 32. 04-R-0017 33. 04-R-0018 34. 04-R-0019 35. 04-R-0020 <b>36.</b> 04-R-0021 37. 04-R-0022 38. 04-R-0023 39. 04-R-0024 40. 04-R-0025 41. 04-R-0026 42. 04-R-0027 43. 04-R-0028 44. 04-R-0029